

REMARKS

Applicants have carefully reviewed and considered the Examiner's Office Action dated December 1, 2006. This Amendment accompanies a Request for Continued Examination (RCE) and reconsideration is respectfully requested in view of the following comments.

By this Amendment, claims 1, 5 and 11 are amended. Accordingly, claims 1, 3-4, 5, 7-12, 14-17, 19 and 20 are pending in the present application.

Claims 1, 7, 11-12, and 14-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,857,657 to Teed for the reasons set forth in paragraph 2 of the Action. This rejection is respectfully traversed.

Teed is directed to a fiberizing and pad forming apparatus that employs a fiberizing device 20 for breaking a sheet S of pulp-fibers into substantially individual fibers F (column 4, lines 6-10 of Teed). However, fiberizing device 20 does not receive fibers in a parallel direction of a longitudinal axis of device 20, as required by claims 1, 5 and 11 of the present application. To the contrary, Teed discloses that the sheet S of pulp-fibers contacts the periphery of device 20 so that teeth 21 (Fig. 3) or cylindrical discs 22 (Fig. 2) break the sheet into individual fibers. That is, the sheet S is introduced perpendicular to the longitudinal axis of the fiberizing device 20, as opposed to "said fibers being introduced in a parallel direction of a longitudinal axis of the at least one separating device" or the "the fibers being introduced in a parallel direction of a longitudinal axis of each of the at least two separating devices" (Claim 1, lines 3-5, or claim 11, lines 4-6 and claim 5, lines 4-5, respectively). Consequently, Teed cannot anticipate independent claims 1 and 11 and their depending claims 7, 12 and 14-15

because Teed fails to disclose each and every feature of the claims. Withdrawal of the rejection of claims 1, 7, 11-12, 14-15 under 35 U.S.C. §102 (b) is respectfully requested.

Claims 1, 7, 11-12, and 14-16 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,701,294 to Radwanski et al. (hereinafter referred to as “Radwanski”) for the reasons set forth in paragraph 3 of the Action. This rejection is respectfully traversed.

Radwanski is directed to an improved apparatus and method for forming a fibrous web where a frangible material 16 is moved along an inlet channel 12 until it reaches a rotatable drum 14 and then the material 16 is moved along the outer periphery of the drum 14. Movable striking elements, such as hammer elements on rotatable drum 14, are located in a fiberizing zone 26A, which is on the outside the periphery of rotatable drum 14. Thus, Radwanski does not disclose “introducing fibers with a finite length to at least one separating device, said fibers being introduced in a parallel direction of a longitudinal axis of the at least one separating device”, as required by independent claims 1 and 11.

Instead, Radwanski discloses an embodiment in which the movable striking means comprises a generally cylindrical hammer drum 14 which is rotatable about an axle 56 in the direction indicated by arrow 90. While the drum is rotatable and it has hammer striking means to separate fibers, essentially all of the injected gas stream entraining the fibers moves along a path that is substantially co-directional with the movement direction of the hammer elements on drum 14. See column 4, lines 61-64 and column 6, lines 44-48 of Radwanski. That is, contrary to the recited invention in claims 1 and 11, Radwanski discloses introducing the fibers in a direction **perpendicular** to the longitudinal axis of the hammer drum or a separating device. Consequently, Radwanski

fails to anticipate claims 1 and 11 and their depending claims 7, 12 and 14-16 because Radwanski fails to disclose each and every feature of the claims. Withdrawal of the rejection under 35 U.S.C. §102 (b) is respectfully requested.

Claims 1, 3-5, 8-10, 16-17 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over GB 2145918 to Arthur et al. (hereinafter referred to as “Arthur”) in view of Teed or Radwanski as explained in paragraph 5 of the Action. This rejection is respectfully traversed.

Arthur introduces material in a direction perpendicular to the longitudinal axis of the pin roller 16, 146, 144. That is, Arthur is similar to Teed and Radwanski. It was the Examiner’s position that the claims did not specify the direction to “a parallel direction”, as shown in Figures 1 and 3 (arrows 19 and 47, respectively) of the present application. Independent claims 1, 5 and 11 have been amended to positively recite that the direction of the introduction of the fibers is parallel to the longitudinal axis of the separating device. In that Arthur, as well as the two secondary references, teach introducing material transverse to the longitudinal axis of the separating device, it is submitted that one of ordinary skill in the art would not have been motivated to modify Arthur as claimed by Applicants as there is no teaching of the claimed parallel direction for the introduction of material.

With respect to independent claim 17, it is the Examiner’s position that “conveying chute (not labeled) is positioned above rotational elements 144, 146” (page 3, 4th line from the bottom of the Action). It is unclear how the alleged conveying chute of Arthur can be positioned above the rotational elements when claim 17 recites that a conveying chute is provided downstream of each separating device. How can an element

above rotational elements 144 and 146 be provided downstream of the rotational elements? Thus, it is submitted that Arthur fails to disclose the recited conveying chute.

Arthur does not disclose the recited “device for feeding fibers of a finite length and of at least one type of filter”. The Action mentions that material is fed to conveyor 88 or 152 of Arthur. Applicants’ claim 17 recites “at least two separating devices for respectively separating fibers ... that the feeding device feeds to the at least two separating devices”. Looking at Figure 9 of Arthur, Arthur discloses two separate feeding devices: 1) unlabeled rollers above roller 146; and 2) unlabeled rollers above roller 144. The two separate feeding devices of Arthur cannot be the recited feeding device that feeds the filter material to the at least two separating devices of independent claim 17. That is, Arthur fails to disclose a feeding device that feeds material to two separating devices, as shown in Figures 1 and 7 of the present application.

Independent claim 17, lines 10-13 requires “a conveyor downstream of the at least two separating devices ...[each separating device] comprising at least one separating element having a rotational axis oriented essentially parallel to a conveying direction of the conveyor”. Arthur teaches positioning its separating device (roller 16) with its longitudinal axis perpendicular to the conveying direction of a carrier stream. This position is favorable in order to feed a stream of continuous filaments of filler material onto a pin roller by which they are broken and collected on the carrier stream. One of ordinary skill in the art would never consider placing a separating device for receiving continuous filaments with its longitudinal axle parallel to the conveying direction because one would not be able to process continuous filaments as the broken filaments would fall in different positions. Arthur simply teaches a roller and not a roller with another


“element having a rotational axis oriented essentially parallel to the conveying direction of the conveyor” as recited in Applicants’ claim 17.

In view of the foregoing, it is respectfully submitted that claims 1, 3-5, 7-12, 14-17 and 19-20 are allowable over the prior art of record. Reconsideration of the application and an issuance of a Notice of Allowance are earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: February 26, 2007


Catherine M. Voorhees
Registration No. 33,074
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300

CMV/elw
::ODMA\PCDOCS\DC2DOCS\831239\1